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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHARMA, SUJATHA R

ART UNIT PAPER NUMBER

2618

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/439,348	Applicant(s) FEBVRE ET AL.	
	Examiner Sujatha Sharma	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6 and 29 is/are pending in the application:
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9,11-15 and 26-28 is/are allowed.
- 6) ☐ Claim(s) 1,3,4,6 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/27/06 regarding claims 1,3,4,6,29 have been fully considered but they are not persuasive.

The applicant argues that the Chater-Lea reference does not disclose a method where **a mobile transceiver transmits an indication of the timing in which the burst transmission was made and subsequently the base station then calculates the timing correction value from the timing indication received in the burst transmission.**

The examiner respectfully disagrees and draws the applicant attention to the Chater-Lea reference, particularly to col. 5, lines 10-23. The reference discloses that during the time when the mobile station is in the registration process, the mobile transceiver transmits an indication of the timing in which the burst transmission was made and subsequently the base station then calculates the timing correction value from the timing indication received in the burst transmission. Since the claim language does not distinguish whether the base station calculates the timing correction value from the timing indication received in the burst transmission during registration process or during the actual communication process, the reference therefore reads on the claim language.

Therefore the rejection of the claims 1,3,4,6,29 as submitted in the previous office action (mailed 7/29/05) and as discussed below is considered proper.

2. Applicant's arguments (see pages 8-11 of the Remarks) filed 1/27/06, with respect to claims 7-9,11-15 and 26-28 have been fully considered and are persuasive. The rejection of the

Art Unit: 2684

claims 7-9,11-15 and 26-28 has been withdrawn and therefore the claims 7-9,11-15 and 26-28 are allowable.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1,4 is rejected under 35 U.S.C. 102(e) as being anticipated by Chater-Lea [US 5,822,314].

Regarding claims 1,4 Chater-Lea discloses a method for communication systems requiring timing synchronization between communication units. Chater-lea further discloses a method of controlling the transmission timing of a wireless mobile transceiver in a wireless communications system, including

Art Unit: 2684

- transmitting to the mobile transceiver a time slot allocation indicating a sequential plurality of time slots available to the mobile transceiver in a time-slotted channel; see col. 3, line 44- col. 4, line 47
- receiving a burst transmission from the mobile transceiver in one of said time slots, the burst transmission including a time slot indication indicating the one of the time slots within which the burst was transmitted; see col. 5, lines 11-35
- calculating from the timing of reception of said burst transmission a timing correction value for the mobile transceiver so as to synchronize the transmission timing of said mobile transceiver with a reference timing; and transmitting said timing correction value to the mobile transceiver; see col. 6, line 53 – col. 7, line 28

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3,29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chater-Lea [US 5,822,314] in view of Scott [US 6,388,997].

Regarding claims 3,29 Chater-Lea discloses all the limitations as claimed. However he does not disclose a method wherein the plurality of time slots forming a sequence block have a total length that is greater than the maximum variation in the propagation delay.

Art Unit: 2684

Scott, in the same field of endeavor, teaches a method wherein the plurality of time slots forming a sequence block have a total length that is greater than the maximum variation in the propagation delay. See column 7, line 52 – column 8, line 25.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Scott to Chater-Lea in order to limit number of users in a conversation and thus avoid interference issues.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chater-Lea [US 5,822,314] in view of Kronz [WO 99/00931].

Regarding claim 6, Chater-Lea as treated in claim 4 does not disclose a method of selecting the time slot randomly.

Kronz teaches a method of selecting a time slot randomly. See page 11, lines 7-18.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Kronz to Chater-Lea in order to allow the user to send a reservation request for transmission of data signal prior to obtaining a time slot allocation for data transmission.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


Art Unit: 2684


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
April 4, 2006


Matthew Anderson
SPE 2618